

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America,

Plaintiff,

v.

Case No. 1:09-cr-100(1)

David R. Scott,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on August 5, 2010 (Doc. 43) recommending that the *pro se* motion to dismiss filed by the Defendant (Doc. 25) be denied.

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Defendant, now through counsel, filed objections to the Report and Recommendation (Doc. 48). When objections are received to a magistrate judge's Report and Recommendation on a dispositive matter, the assigned district judge "shall make a de novo determination...of any portion of the magistrate judge's disposition to which specific written objection has been made...." Fed. R. Civ. P. 72(b). After review, the district judge "may accept, reject or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id*; *see also* 28 U.S.C. 636(b)(1)(B). General objections are insufficient to preserve any issues for review; "[a] general objection to the entirety of the magistrate's report has the same effects as would a failure to object." *Howard v. Secretary of Health and Human Services*, 932 F.2d 505,

509 (6th Cir. 1991).

Defendant objects to the finding that the government's five month delay in filing its first petition for a writ seeking Mr. Scott's appearance does not weigh heavily against the government; to the finding that Mr. Scott suffered no prejudice from the delay; and to the finding that the government did not violate the Interstate Agreement on Detainers.

Having reviewed this matter de novo pursuant to 28 U.S.C. 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct. Because the reasoning has been correctly articulated by the magistrate judge, issuance of a detailed written opinion by this court would be duplicative and serve no useful purpose.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Defendant's Motion to Dismiss (Doc. 25) is **DENIED**.

IT IS SO ORDERED.

s/Michael R. Barrett
UNITED STATES DISTRICT JUDGE